

East Longmeadow Stormwater Pollution Prevention By-Laws Fact Sheet

Background

Under the Clean Water Act, the USEPA is responsible for protecting the nation's water resources from pollution. In recognition of the multitude of pollution sources, USEPA through their National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) program requires that municipalities be active participants in controlling and addressing stormwater-based pollution. Since 2003, certain Massachusetts municipalities, including East Longmeadow, have been subject to the MS4 General Permit, compelling them to better manage the stormwater collection and discharge systems from town roads and properties.

The goal of the NPDES MS4 program is to minimize the impacts to water quality and wetlands from municipally-owned stormwater systems. East Longmeadow submitted a Stormwater Management Plan in 2003 committing to the requirements of the MS4 Permit. The 5-year permit issued to East Longmeadow required that the town establish certain Best Management Practices (BMPs) including developing and enforcing by-laws that prohibit non-stormwater pollutants from entering the municipal storm drains and to regulate construction and post-construction stormwater from new developments that impact one acre or more of land. DPW and Planning staff have developed proposed by-laws to meet USEPA's permit requirements.

Importance of Stormwater

Uncontrolled stormwater runoff from construction sites and developments can cause significant erosion, increased flooding, and discharge pollutants directly into our water resources. Stormwater-related pollutants include, but are not limited to:

- Sediment
- Trash and debris
- Fertilizers and other chemicals

These impacts can degrade water quality and negatively affect aquatic species. But effectively managing stormwater runoff can restore and protect water quality and aquatic ecosystems, minimizing erosion, conserving water resources, protecting public health, and maintaining flood control.

Another source of stormwater pollution is illicit discharges, which is any discharge into a storm drain system this is not composed entirely of stormwater. Illicit discharges are a problem because, unlike wastewater which flows to a wastewater treatment plant, stormwater generally flows to wetlands and waters without any additional treatment. Illicit discharges can include pathogens, nutrients, sewage, detergents, and toxic pollutants. Although illicit discharges can enter the storm drain system in various ways, they generally result from either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system, spills, or "midnight dumping").

Proposed By-laws

USEPA required that MS4 communities establish by-laws addressing construction activities and post-construction activities impacting one or more acres and prohibiting illicit discharges. East Longmeadow is required to enact these by-laws to be in compliance with the Town's permit and to give the Town the regulatory control over construction and post-construction runoff on projects that impact one acre or more of land and over connections to the municipal storm drain system. The by-laws identify who is regulated, set procedures for permitting and compliance, and establish East Longmeadow's legal authority to ensure by-law compliance through inspection, monitoring, and enforcement. Brief descriptions of both by-laws are provided below.

Construction and Post-Construction By-law

- Applies to new projects impacting one or more acres of land
- Exempts projects that require an Order of Conditions from the Conservation Commission, as these projects would also require review under the Massachusetts Wetlands Protection Act regulations which includes stormwater management
- References the MassDEP's stormwater regulations as an applicable resource for designing construction-period erosion and sediment controls and post-construction stormwater management controls
- Defines the Department of Public Works as the authorizing agency

Illicit Discharge By-law

- Applies to everyone
- Prohibits the discharge of anything other than stormwater into the municipal storm drain system
- Specific exemptions include:
 - foundation drains, footing drains and similar
 - residential car washing
 - dechlorinated swimming pool water
- Sets a phase-in period
- Defines the Department of Public Works as the authorizing agency